

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|-------------------------|---|---------------------------|
| JOHNNY LAFONZA SHAVERS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. CIV-20-00940-PRW |
| |) | |
| LUKE PETTIGREW, |) | |
| |) | |
| Respondent. |) | |

ORDER

On December 10, 2020, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation (Dkt. 11) in this action, recommending that Petitioner’s Petition for Writ of Habeas Corpus (Dkt. 1) be dismissed without prejudice for his failure to exhaust state remedies.

Petitioner was advised that he had a right to object to the Report and Recommendation by December 30, 2020, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 11). No objections have been filed as of this date. Having failed to object, Petitioner has accordingly waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 11).¹

¹ *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *cf.* 28 U.S.C. § 636(b)(1) (requiring a district judge to “make a de novo determination of those portions of the report

Upon review of the Report and Recommendation (Dkt. 11), the Court:

- (1) **ADOPTS** in full the Report and Recommendation (Dkt. 11) issued by the Magistrate Judge on December 10, 2020; and
- (2) **DISMISSES WITHOUT PREJUDICE** Petitioner's Petition for Writ of Habeas Corpus (Dkt. 1).

IT IS SO ORDERED this 7th day of January 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

or specified proposed findings or recommendations to which objection is made” but otherwise permitting a district judge to review the report and recommendations under any standard it deems appropriate).